

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUY LEMIEUX, ) No. C 10-03685 JW (PR)  
Petitioner, ) ORDER OF DISMISSAL  
vs. )  
R. GROUNDS, Warden, )  
Respondent(s). )

---

On August 19, 2010, the Court received documents from petitioner labeled Exhibits A-F containing records pertaining to petitioner's suitability for parole over several parole hearings. The Clerk of the court sent petitioner a notice on September 1, 2010, stating that he had not attached a complaint or other pleadings. (Docket No. 3.) Petitioner was directed to submit a petition within thirty days from the date of the notice or face dismissal of the action. (Id.)

Petitioner responded in a letter filed September 27, 2010, asserting that he filed a petition the previous month. On January 31, 2011, the Court directed petitioner to file another copy of the petition which he intended to accompany the Exhibits filed under Docket No. 1, as well as to provide clarification regarding those documents. (See Docket No. 7 at 1-2.) The Court also directed petitioner to submit

## United States District Court

For the Northern District of California

1 a Certificate of Funds in Prisoner's Account completed and signed by an authorized  
2 officer at the prison to complete his In Forma Pauperis Application. (*Id.* at 2.)  
3 Petitioner was advised that failure to file a petition and a Certificate of Funds in  
4 Prisoner's Account within thirty days of the order may result in dismissal without  
5 prejudice of this action without further notice to petitioner. (*Id.*) Petitioner was  
6 provided two copies of the court's form petition and two blank Certificate of Funds  
7 in Prisoner's Account with . (*Id.*)

8 The deadline has since passed, and petitioner has failed to file a petition or a  
9 Certificate of Funds in accordance with the Court's order, nor has he filed a request  
10 for an extension of time to do so. Accordingly, this action is DISMISSED without  
11 prejudice.

12 The clerk shall terminate any pending motions and close the file.

13  
14 DATED: April 25, 2011

  
15 JAMES WARE  
United States District Chief Judge

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28